



WP(MD). No.28522 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.28522 of 2024

S.Rajarathinam

... Petitioner

Vs

1. The District Collector,
District Collector Office,
Ramanathapuram..

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram District..

3. The Tahsildhar,
Thiruvadanai, Ramanathapuram District..

4. K.Perumal

5. Kottaisamy

6. Thiyagarajan

7. Kootaisamy

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1 to 3rd respondents to forbear the construction of the temple in Survey No. 335/1 Manikandan Village, Thiruvadanai Taluk, Ramanathapuram District, made by the 4th to 7th respondents.

For Petitioner : Mr.R.Manojkumar
For Respondents : Mr.J.Ashok for R1 to R3
Addl. Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse order is going to be passed against the respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.

3. This writ petition has been filed for a mandamus to direct the respondents 1 to 3 to forbear the construction of a temple in S.No. 335/1 Manikandan Village, Thiruvadanai Taluk, Ramanathapuram District, made by the 4th to 7th respondents.



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4. In order to forbear the respondents 4 to 7 from constructing a temple in the aforesaid survey number, the petitioner herein had given a representation to the respondents 1 to 3 on 30.07.2024. Since the said representation was not considered so far, the present writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 30.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and



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the respondents 4 to 7 herein, as well as all other persons, who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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Index : Yes / No

Internet : Yes

RR

TO

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2. The Revenue Divisional Officer,
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Ramanathapuram District..

3. The Tahsildhar,
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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
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